

Attorney Docket No. 9286.3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re: Bacher et al.
Serial No.: 09/868,163
Filed: September 24, 2001
For: *SCREENING OF TERPENOID BIOSYNTHESIS*

Confirmation No.: 7050
Group Art Unit: 1651
Examiner: S. Saucier

MAR 18 2003

March 11, 2003

Commissioner for Patents
Washington, DC 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is responsive to the Office Action mailed February 11, 2003 regarding the above-referenced patent application.

Election of Claims

In the Office Action, the pending claims 1-28 have been restricted as follows.

Group I: Claims 1-18, drawn to a method for screening inhibitors of an enzyme in the pathway 1-deoxy-D-xylulose 5-phosphate to terpenoids in plants.

Group II: Claim 19, drawn to a first series of compounds of labeled 1-deoxy-D-xylulose 5-phosphate of 2C-methyl-D-erythritol 4-phosphate.

Group III: Claim 20, drawn to a second series of compounds, tritiated 2C-methyl-D-erythritol 4-phosphate or tritiated 1-deoxy-xylulose 5-phosphate.

Group IV: Claim 21, drawn to a third series of compounds, 2C-methyl-D-erythritol 4-phosphate tritiated in 1 and/or 3 or in the methyl group.

Group V: Claim 22, drawn to a fourth series of compounds, 1-deoxy-D-xylulose 5-phosphate, tritiated in 1 and/or 3 and/or 4.

Group VI: Claim 23 and 24, drawn to a method of inhibiting growth of a plant using a compound exhibiting inhibition of the pathway 1-deoxy-D-xylulose 5-phosphate to terpenoids in plants.

Group VII: Claims 25, 26 and 28, drawn to a compound exhibiting inhibition of the pathway 1-deoxy-D-xylulose 5-phosphate to terpenoids in plants.

Group VIII: Claim 27, drawn to a method of increasing the titer of an intermediate in the pathway 1-deoxy-D-xylulose 5 phosphate to terpenoids in plants using an inhibitor of Group VII.

Applicants provisionally elect Group I (claims 1-18) and the species 2C-methyl-D-erythritol 4-phosphate of claim 4 with traverse. Claims readable in the elected species are 1-21 and 23-28. The election of species is made with the understanding that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

The traversal is based on applicants position that claims 1-28 as presented do form a single general inventive concept under PCT Rule 13.1, which is inhibitors of the pathway of terpenoids via 1-deoxy-D-xylulose 5 phosphate in plants.

Applicants do not believe that any fee is due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



Mary L. Miller
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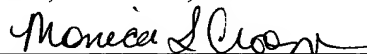


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PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, DC 20231, on March 11, 2003.



Monica L. Croom